IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 1372 of 2004(L)

AGAINST THE ORDER IN OS 483 1992 IN
EP.182/2000 of PRINCIPAL SUB COURT, PALAKKAD

.....

PETITIONER:

HARINARAYANAN, S/O.K.VASUDEVAN,
KALLINGAL PARAMBIL HOUSE, PUTHIYANKAM AMSOM
AND DESOM, ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS:

CHENTHAMARAKASHAN, S/O.K.VASUDEVAN,
KALLINGAL PARAMBIL HOUSE, PUTHIYANKAM AMSOM AND
DESOM, ALATHUR NOW RESIDING AT SOPWPARNIKA,
PULPULLY KALAM, MANNUR AMSOM, PALAKKAD.

BY ADV. SRI.R.D.SHENOY
SRI.S.VINOD BHAT

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE OBJECTION TO THE EXECUTION PETITION DATED 10.3.2003.

EXT.P2: COPY OF THE PETITION VIZ.E.A. NO.204/03 DATED 20.5.2003

EXT.P3: COPY OF THE OBJECTION TO EA 204/03 DATED 23.6.2003

EXT.P4: COPY OF THE EXECUTION PETITION VIZ. E.P. 182/00 ON THE FILE OF SUBORDINATE JUDGE'S COURT PALAKKAD AND THE ORDER DATED 30.8.2003.

EXT.P5: COPY OF THE SALE DEED NO. 3503/02 DATED 29.11.2002 OF SRO, ALATHUR.

RESPONDENT'S EXHIBITS:

EXT.R1(A): COPY OF AFFIDAVIT FILED BY THE RESPONDENT IN EP 182/2000 IN O.S. 483/92 OF SUB COURT, PALAKKAD DATED 6.4.2002.

EXT.R1(B): COPY OF THE AFFIDAVIT FILED BY THE RESPONDENT IN EP NO. 182/2000 IN O.S. 483/92 OF SUB COURT, PALAKKAD DATED 20.5.2003.

EXT.R1(C): COPY OF THE OBJECTION FILED BY THE PETITIONER I EP NO. 182/2000 IN O.S. 483/92 OF SUB COURT, PALAKKAD DATED 23.6.2003

EXT.R1(D): COPY OF THE REVIEW PETITION FILED BY THE PETITIONER IN EP 182/2000 IN O.S. 483/92 OF SUB COURT, PALAKKAD DATED 15.10.2003.

EXT.R1 (E): COPY OF THE JUDGMENT DATED 16.1.2004 IN W.P. © 40025 OF 2003 ON THE FILE OF HIGH COURT OF KERALA.

PIUS C. KURIAKOSE, J.

W.P.(C) NO.1372 OF 2004

Dated this the 29th day of May, 2007

JUDGMENT

Noticing the subsequent event that sale was conducted on account of the petitioner failing to comply with the conditions imposed by this court and the petitioner filing application to set aside the sale, this writ petition will stand closed. It is open to the legal representatives of the deceased respondent to contest the application which has been filed by the petitioner before the court below. The petitioner is free to pursue the application to set aside the sale , which is already filed before the lower court, on all available grounds.

PIUS C. KURIAKOSE,
JUDGE.

dpk